

**Blue Ribbon Advisory Panel
April 23, 1997 Meeting Summary
Northwestern Indiana Regional Planning Commission Building
6100 Southport Road
Portage, Indiana 46368**

The Blue Ribbon Advisory Panel held its fourth meeting on April 23, 1997. The Panel was constituted to consider issues associated with the Lake Michigan coastal area raised by public work groups held in the spring of 1995, as well as additional issues of interest to the Panel. The meeting began at approximately 9:06 a.m., CDT.

Andrea Gromeaux reintroduced herself as facilitator and asked the Panel members and guests to introduce themselves. The following panel members were present:

Tom Anderson, Save the Dunes Council
Jim Biggs, Porter County Commissioner
Jim Kopp, Town of Ogden Dunes
Julie Murphy, Amoco Oil Company
Robert Pastrick, Mayor of East Chicago
Chuck Siar, Chair of the Natural Resources, Shorelines, and Water Quality Public Workgroup
J.B. Smith, Chair of the Marina, Public Access, and Recreational Uses Workgroup
Bill Theis, Private Property Rights and Pine Township Trustee
Don Thomas, Chair of the Residential, Agriculture, and Commercial Development Workgroup

Others present at the meeting included:

Russell Taylor, East Chicago
Barbara Waxman, Lake Michigan Marina Development Commission
James Ranfranz, Northwestern Indiana Regional Planning Commission
Stephen Davis, Department of Natural Resources
Andrea Gromeaux, Department of Natural Resources, Facilitator
Dawn Deady, IDNR, Lake Michigan Coastal Coordination Program,
Stephen Lucas, Natural Resources Commission, Hearings

Review of Meeting Summary, Agenda, Mission Statement, and Ground Rules

Gromeaux asked if there were amendments to the Meeting Summary of January 23, 1997. None were offered. The summary was then approved as written.

Gromeaux asked if there were amendments to the agenda. None were suggested.

Gromeaux then reviewed the mission statement and basic roles of the participants for the facilitated session. She affirmed that the "ground rules" developed during the October meeting had worked to the satisfaction of the members and would again be applied. She then gave the floor to Dawn Deady.

Outline of Panel Discussions of Government Coordination and Streamlining

Deady outlined the progress of the Panel. She said during its first meeting in October 1996, the Panel determined governmental coordination and streamlining would be the first issue for discussion. Within this issue, the Panel chose to discuss:

- primary enforcement authority
- state joint and streamlined permitting
- single point of contact
- recent efforts to streamline and coordinate

Deady said the Panel met in November 1996 and January 1997 to further define a recommendation to address permit streamlining. From the approved written summaries for these three meetings, a digest was prepared and discussed:

The Blue Ribbon Advisory Panel identified and discussed several activities which could improve government permitting processes. Primacy of federal laws could be assumed to the extent practicable. The potential for "Programmatic General Permits" through the U.S. Army Corps of Engineers was discussed where primacy is not available for activities within the Great Lakes or its tributaries. Joint permit applications would enhance streamlining; one example discussed by the Panel as a feasible approach in Indiana is the Washington State joint permit application form. Electronic applications and instructions for completing the applications would assist the streamlining process. A single point of contact providing permitting assistance could be established. There might be an investigation of federal consistency, the requirement of federal agencies to coordinate with state and local government available under the Coastal Zone Management Act. None of these options is a panacea, but all should be seriously explored with respect to particular permitting programs to identify both advantages and disadvantages.

Qualitatively, streamlining the permitting process involves improved coordination and communication among agencies, between agencies and permit applicants, and between agencies and the public. Improved communication and coordination among agencies might involve data sharing and early coordination activities. Distribution of information early in the permitting process would increase an applicant's awareness of environmentally sound implementation acted upon promptly by the agency. Assistance available early in the process would include instructions for the application process, conditions for specific activities, and guidelines for testing procedures (e.g., sediment testing guidelines).

The Panel recommends exploring the expansion of primacy where possible, seeking primacy where allowable under the law, and where needed, studying general permits and other streamlining processes.

Facilitated Session to Bring Closure to Discussion of Permit Streamlining

The Panel expressed general agreement that the digest correctly characterized its discussions and directions. The facilitator asked for individual comments concerning the digest, and several participants offered additional or clarifying thoughts:

There should be an emphasis upon studying specific streamlining techniques including: (1) general permits; and (2) single point of contact.

There should be an emphasis upon coordination among agencies.

Each federal, state, and local agency should establish a reference book of individuals and their regulatory functions within the agency.

There should be an emphasis upon internal agency coordination.

Agencies should pursue joint applications since negatives out way positives regarding primacy.

The Panel should recommend agencies meet together to develop a joint application because doing so would solve the other permitting issues discussed by the Panel.

All streamlining options discussed by the Panel should be kept viable.

The Panel should recommend the State look at consolidating regulatory functions of DNR and IDEM to eliminate duplications.

The Panel should send a letter to the Governor requesting cooperation from the U.S. Army Corps regarding streamlining.

There should be emphasis upon developing better communications among regulatory agencies, permit applicants, and interested members of the public.

Emphasize that streamlining should result in efficiency of process rather than "cutting corners."

The regulatory offices of the U.S. Army Corps should be moved closer to Northwest Indiana

Agencies should be encouraged to adopt different permit review processes for complex projects as opposed to simple projects.

The facilitator urged the participants to develop a recommendation concerning permit streamlining and coordination. Julie Murphy volunteered to draft a concept, and the participants recessed to allow the completion of her draft. Following a short break, Murphy proposed the following:

The BRAP recommends that the DNR Commission bring the following proposal to the Indiana Governor:

- (1) Explore the consolidation of environmental permitting authorities in the State.
- (2) Assign the DNR and IDEM to meet with the Army Corps to do the following:
 - (a) Discuss permitting, primacy, and authority issues.
 - (b) Explore relocation of the physical location of the permitting authority for the Corps.
 - (c) Explore development of a joint permit application for greater efficiency by:
 - (i) Determining which federal, state, and local authorities should be involved.
 - (ii) Assigning a work team to pursue joint applications.
 - (iii) Requiring progress reports to the Lake Michigan Marina Development Commission.
 - (iv) Scheduling a public meeting at the direction of the Lake Michigan Marina Development Commission.

The participants then deliberated upon the form of a recommendation. Following numerous suggested additions, deletions, and modifications, the following recommendation was given tentative approval:

The BRAP recommends that the DNR Commission bring the following proposal to the Indiana Governor:

- (1) Consolidate environmental permitting divisions in the State.
- (2) Implement a joint permit application for greater efficiency by:
 - (a) Involving all federal, state, and local regulating authorities.
 - (b) Assigning a work team to pursue joint applications.

The participants agreed this recommendation should be reviewed at the next meeting. At that time, the facilitator would ask whether the recommendation was by consensus.

Review of Comments by Federal Agencies and of New State Administration Pertaining to Streamlining

Because of time constraints, discussion of this item was deferred. Jim Biggs noted that federal agencies were not present during the meeting. DNR and NRC representatives indicated they would seek comments from the Army Corps for distribution at the next meeting.

Report by Subcommittee on a Presentation to the Lake Michigan Marina Development Commission in February 1997 Concerning a Proposal that the LMMDC Act as a Forum to Consider 1995 Workgroup Issues

J.B. Smith reported he and Mike Bucko presented the proposal made by the Panel that the LMMDC act as a forum for shoreline issues. Smith reminded the Panel they discussed the need for an entity to look broadly at shoreline issues but without "reinventing the wheel," or "setting up new regulatory bodies." He said the LMMDC has, over the last ten years, considered shoreline issues in addition to its limited charge for marina development. He noted an example was the LMMDC's recent resolution on permit streamlining. During its January meeting, the Panel suggested the LMMDC was an appropriate existing agency to consider shoreline issues, but the Panel agreed that the LMMDC should be asked whether it was interested in assuming this expanded role.

Smith said Bucko introduced the proposal to the LMMDC at its February meeting. Bucko informed the LMMDC that the Panel shared the LMMDC's interest in permit streamlining. Since the Panel was not meant to be an on-going body, it was seeking an entity to assume permanent responsibility for pursuing the work group recommendations.

Smith then outlined to the LMMDC the Panel's efforts concerning the 865 possible resolutions by the 1995 public work groups. He proposed the LMMDC move forward with the work group effort and look at shoreline issues more broadly. Smith indicated he was surprised at the response from the LMMDC. Comments suggested the Commission felt their primary mission had been fulfilled, and there was merit in studying a broader role for the Commission. There was recognition the current legislative session was coming to a close, but appropriate legislative changes could be reviewed and submitted in September and November to study committees.

Barbara Waxman, Project Director for the Lake Michigan Marina Development Commission, reported that a planning process was underway to present options to the six mayors which make up the LMMDC. She said these options would examine the viability of an expanded role for the LMMDC, particularly in light of the efforts of the Panel.

Consideration of How to Carry Forward the Mission of the Panel, Including the Possibility the Panel Would Be "Sunsetted" and its Functions Merged with the LMMDC or Another Appropriate Agency

J.B. Smith suggested an expanded LMMDC could absorb the functions of the Panel and speak as a voice for Northwest Indiana. Other possible roles for an expanded LMMDC would be to authorize studies, implement projects, and collect data. He said that a funding mechanism was necessary and must be explored for whatever entity is agreed upon.

Julie Murphy asked if the Panel might be transitioned into an advisory board for the LMMDC. Smith responded that the LMMDC discussion in February was not in that much detail, but something to that effect could be developed.

Don Thomas expressed concerns for the continued existence of the Panel. He reminded the participants the original appointment of membership anticipated one or two meetings, and the Panel was already conducting its fourth meeting. He emphasized that while some members of the Panel were "policy makers," he was not. Thomas said the Panel should wind up its activities. Chuck Siar reminded the Panel of the considerable efforts citizens had expended in attending meetings and presenting the broad range of issues and resolutions in the work group process. He said a history was developed with the work groups and the Panel which should not be lost in transition to an expanded LMMDC.

Murphy referenced the development of the work group process through the three volumes distributed to Panel participants. She noted that particularly "volume three" represented a serious effort by the Coastal Coordination Program to bring together citizen comments in a way which might be manageable by an advisory panel to an expanded LMMDC. She concurred that the Panel would bring an important institutional history to the LMMDC, and research efforts by the Coastal Coordination Program would help communicate that history. Murphy also suggested the information from "volume three" should be put on the Internet and kept current.

Bill Theis argued that the Panel included representation of important interests on the shoreline, and any legislation should assure those interests be included.

Tom Anderson reflected that the Panel did not include all key interests, and broader participation is needed in the LMMDC or its advisory panel.

Jim Biggs said he could support a broader role for the LMMDC, but expanded participation is also essential. If Coastal Zone Management is inevitable, county commissioners and a range of local participation are needed to assure that CZM serve rather than dictate local interests.

The Panel determined to await developments from the Lake Michigan Marina Development Commission concerning an expanded role for that agency. The Panel would then consider any legislation or policy statement by the LMMDC concerning an expanded role or the constituency of an advisory board. As these developments crystallized, the Panel should meet again to review them.